

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WENTWORTH RATTRAY,

Plaintiff,

v.

THE CITY OF NEW YORK, POLICE  
OFFICER JOSE CADAVID (BADGE NO.  
9085), POLICE OFFICER SGT MERVIN  
BAUTISTA, and POLICE  
OFFICER ALYSSA TRIGUENO,

Defendants.

**ORDER**

17 Civ. 8560 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff has offered certain “Wage and Income Transcripts” purportedly obtained from the Internal Revenue Service as evidence of his income for 2015, 2016, 2017, 2018, 2019, and 2020. (PX-10-16) Defendants argue that these transcripts are hearsay. (Def. Br. (Dkt. No. 257) at 20) The parties will submit letters further addressing the admissibility of Plaintiff’s Exhibits 10-16 by **August 25, 2023 at noon**. In these letters the parties will address whether the transcripts Plaintiff seeks to introduce are hearsay and whether they require authentication, citing supporting case law.

Defendants also state that certain medical records offered by Plaintiff (PX#9) “were not previously produced to defendants during discovery.” (Def. Br. (Dkt. No. 257) at 16) In opposition, Plaintiff states that “Defendants were the ones that obtained Plaintiff’s medical records from Plaintiff’s providers, and [D]efendants have had copies of those records since August 10, 2021.” (Pltf. Opp. (Dkt. No. 264) at 12) Plaintiff has also submitted an email from a New York City Law Department attorney to Plaintiff’s counsel purporting to attach “a copy of Mr. Rattray’s medical records.” (Geller Decl., Ex. E (Dkt. No. 265-5)) Moreover, the first page

of PX#9 is a cover letter addressed to the Law Department from the “New York Harbor Healthcare System,” indicating the Healthcare System’s receipt of the Law Department’s “request for information” on July 20, 2021. (PX#9 at 2) PX#9 also contains the Law Department’s request for certain “certified medical records of Wentworth Rattray” and a HIPAA release which appears to have been signed by Plaintiff. (Id. at 5-6) Defendants will state in their August 25, 2023 letter whether they agree with Plaintiff’s account of how Plaintiff’s medical records came into Defendants’ possession.

Dated: New York, New York  
August 23, 2023

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first name "Paul" is written with a large, prominent "P". The last name "Gardephe" is written in a more compact, cursive script. The signature is positioned above a horizontal line.

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Paul G. Gardephe  
United States District Judge